

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

SIDNEY JAMES CLAYTON (AIS# 224797),

Plaintiff,

V.

J.C. GILES

Defendants.

2:06-CV-367-ID

AFFIDAVIT OF NETTIE BURKS, R.N., H.S.A.

BEFORE ME, Reba Currie, a notary public in and for said County and State, personally appeared **NETTIE BURKS, R.N., H.S.A.**, and being duly sworn, deposed and says on oath that the averments contained in the foregoing are true to the best of her ability, information, knowledge and belief, as follows:

"My name is Nettie Burks. I am over the age of twenty-one and am personally familiar with all of the facts set forth in this Affidavit. I hold an Associates Degree in nursing from Wallace College. I have been a licensed, registered nurse in Alabama since 1997. I have served as the Health Services Administrator (H.S.A.) at Ventress Correctional Facility ("Ventress") in Clayton, Alabama, since November 3, 2003. From November 3, 2003, through the present, my employment as H.S.A. has been with Prison Health Services, Inc. ("PHS"), the company which currently contracts with the Alabama Department of Corrections to provide medical services to inmates.

EXHIBIT

A

Sidney James Clayton (AIS# 224797) is an inmate who was incarcerated at Ventress Correctional Facility from December 2002 through April 2006. I am familiar with Mr. Clayton and have been involved with the medical services provided to him at Ventress.

It is my understanding that Mr. Clayton has made an allegation in this matter that Dr. Rayapati, PHS and I have failed to provide him with appropriate medical treatment while he was incarcerated at Ventress Correctional Facility by failing to transfer him to another correctional facility where he would not be exposed to second hand smoke. Mr. Clayton also contends that Ventress is not equipped with appropriate sprinkler systems.

PHS, Dr. Rayapati and I do not control the manner in which the Alabama Department of Corrections confines inmates. We do not have the ability to transfer inmates from one correctional facility to another. Moreover, we have no control over the manner in which the Alabama Department of Corrections maintains Ventress's sprinkler systems.

Based on my review of Clayton's medical records, and on my personal knowledge of the treatment provided to him, it is my opinion that all of his medical conditions and complaints have been evaluated in a timely fashion at Ventress Correctional Facility, and that his diagnosed conditions have been treated in a timely and appropriate fashion. At all times, he has received appropriate treatment for his medical conditions from me and the other PHS personnel at Ventress. At no time has he been denied any needed medical treatment. In other words, it is my opinion that the appropriate standard of care has been adhered to at all times in providing medical care, evaluation, and treatment to this inmate.

At no time have I or any of the medical or nursing staff at Ventress Correctional Facility denied Clayton any needed medical treatment, nor have we ever acted with deliberate

indifference to any serious medical need of Clayton. At all times, Clayton's known medical complaints and conditions have been addressed as promptly as possible under the circumstances"

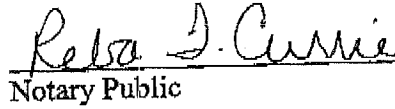
Further affiant sayeth not.


NETTIE BURKS, R.N., H.S.A.

STATE OF ALABAMA)

COUNTY OF Bartow)

Sworn to and subscribed before me on this the 14th day of Dec., 2006.


Notary Public

My Commission Expires:

9-8-08

ALABAMA